UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,193	10/24/2000	Brian Pulito	LOT-2000-0036	1639

21127   7590   12/03/2003

KUDIRKA & JOBSE, LLP
ONE STATE STREET
SUITE 800
BOSTON, MA 02109

EXAMINER
DUONG, OANH L

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/695,193	PULITO ET AL.
	Examiner	Art Unit	
	Oanh L. Duong	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 October 2000</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4 and 5* .   6) ☐ Other: .

Claim Objections

1.   Claim 11 is objected to because of the following informalities: some

typographical errors have been found (e.g., "identifyg" in line 2). Appropriate correction

is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

2.   Claim 2 recites the limitation "the selected client processes"" in line 2. There is

insufficient antecedent basis for this limitation in the claim.

Claims 1, 4, 5, 7, 8, 10 and 13 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention. The features "selected of client

processes", "a first" and "with selected of a plurality of the client processes" are unclear.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kozdon et al (Kozdon) (US 6,240,070 B1) in view of Robles et al (Robles) (US

6,359,882 B1).

Regarding claim 1, Kozdon teaches in a server process executing at a node on a

computer network and operatively couple over the computer network to one or more

client processes, selected to the client processes capable of transmitting an active

stream of audio packets to the server process, selected of the client processes capable

of receiving data from a single source (e.g., see fig. 2), a method for enabling audio

conferencing (e.g., see abstract) comprising establishing a point-to-point communication

connection with selected of a plurality of the client processes (e.g., see fig. 2 col. 3 lines

1-18); identifying at least a first of the selected client processes which is transmitting an

active stream of audio packets (e.g., see abstract and col.6 lines 53-65); retransmitting

the modified packets of the active stream of audio packets to others of the plurality of

clients processes (e.g., see col. 3 lines 1-37). Kozdon does not explicitly teach

modifying one of the timestamp, source identifier and sequence number of the packet

headers in the active stream of audio packets. However, Robles teaches modifying one

of the time stamp, source identifier and sequence number of the packets headers in the

active stream of audio packets (e.g., see col. 15 lines36-40 and col. 19 lines 3-4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to modify one of the header fields in Kozdon as taught by

Robles because such modification would enable the system to assign new sequence

number to the active stream of data packets. This would efficiently and accurately

transmit data across high bandwidth communication links (Robles, col. 2 lines 25-27).

Regarding claim 4, Kozdon teaches a computer program product for user with a

server apparatus operatively coupled to one or more client processes over a computer

network, selected of the client processes capable of transmitting a stream of audio

packets to the server apparatus (e.g., see fig. 2), the computer program product

comprising a computer useable medium having embodied therein program code

comprising a program code for establishing a point-to-point communication connection

with a plurality of the client processes (e.g., see fig. 2 col. 3 lines 1-18); program code

for identifying at least a first of the selected client processes which is transmitting an

active stream of audio packets (e.g., see abstract and col.6 lines 53-65); and program

code for retransmitting the modified packets of the active stream of active packets to

others of the plurality of client processes (e.g., see col. 3 lines 1-37). Kozdon does not

explicitly teach program code for modifying one of the timestamp, source identifier and

sequence number of the packet headers in the active stream of audio packets.

However, Robles teaches program code for modifying one of the time stamp, source

identifier and sequence number of the packets headers in the active stream of audio

packets (e.g., see col. 15 lines36-40 and col. 19 lines 3-4). Therefore, it would have

been obvious to a person of ordinary skill in the art at the time the invention was made

to include program code for modifying one of the header fields in Kozdon as taught by

Robles because such modification would enable the system to assign new sequence

number to the active stream of data packets. This would efficiently and accurately

transmit data across high bandwidth communication links (Robles, col. 2 lines 25-27).

Regarding claim 10, Kozdon teaches an apparatus for use with a computer

system operatively coupled over a computer network to one or more client processes,

each client processes capable of selectively transmitting a stream of audio packets to

computer system (e.g., see fig. 2), the apparatus comprising program logic configured

to establish a point-to-point communication connection between the computer system

and selected of a plurality (e.g., see fig. 2 col. 3 lines 1-18); identifying at least a first of

the selected client processes which is transmitting an active stream of audio packets

(e.g., see abstract and col.6 lines 53-65); retransmitting the modified packets of the

active stream of audio packets to others of the plurality of clients processes (e.g., see

col. 3 lines 1-37). Kozdon does not explicitly teach modifying one of the timestamp,

source identifier and sequence number of the packet headers in the active stream of

audio packets. However, Robles teaches modifying one of the time stamp, source

identifier and sequence number of the packets headers in the active stream of audio

packets (e.g., see col. 15 lines36-40 and col. 19 lines 3-4). Therefore, it would have

been obvious to a person of ordinary skill in the art at the time the invention was made

to modify one of the header fields in Kozdon as taught by Robles because such

modification would enable the system to assign new sequence number to the active

stream of data packets. This would efficiently and accurately transmit data across high

bandwidth communication links (Robles, col. 2 lines 25-27).

4.   Claims 2, 3, 5, 6, 11 and 12 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kozdon et al (Kozdon) (US 6,240,070 B1) in view of Robles et al

(Robles) (US 6,359,882 B1) in further view of Bruno et al (Bruno) (6,020,915).

Regarding claim 2, the combination of teachings of Kozdon and Robles does not

explicitly teaches identifying at least a first of the selected client processes which is

transmitting an active stream of video packets. However, Bruno teaches identifying at

least a first of the selected client processes which is transmitting an active stream of

video packets (e.g., see abstract). Therefore, it would have been obvious to a person of

ordinary skill in the art at the time the invention was made to combine the identifying

step in the combination of teachings of Kozdon and Robles as taught by Bruno because

such identifying step would enable the multimedia participants to visually identify the

presently talking end-user. This would expand the functionality of an analog voice-only

non-H.320 compatible endpoint (Bruno, col. 2 lines 21-22).

Regarding claim 3, Kozdon teaches retransmitting the modified packets of the

active stream of packets to others of the plurality of client processes (e.g., see col. 3

lines 1-37). Kozdon does not explicitly teach modifying one of the timestamp, source

identifier and sequence number of the packet headers in the active stream of packets.

However, Robles teaches modifying one of the time stamp, source identifier and

sequence number of the packets headers in the active stream of packets (e.g., see col.

15 lines36-40 and col. 19 lines 3-4). Therefore, it would have been obvious to a person

of ordinary skill in the art at the time the invention was made to modify one of the

header fields in Kozdon as taught by Robles because such modification would enable

the system to assign new sequence number to the active stream of data packets. This

would efficiently and accurately transmit data across high bandwidth communication

links (Robles, col. 2 lines 25-27).

Regarding claim 5, the combination of teachings of Kozdon and Robles does not

explicitly teaches identifying at least a first of the selected client processes which is

transmitting an active stream of video packets. However, Bruno teaches identifying at

least a first of the selected client processes which is transmitting an active stream of

video packets (e.g., see abstract). Therefore, it would have been obvious to a person of

ordinary skill in the art at the time the invention was made to combine the identifying

step in the combination of teachings of Kozdon and Robles as taught by Bruno because

such identifying step would enable the multimedia participants to visually identify the

presently talking end-user. This would expand the functionality of an analog voice-only

non-H.320 compatible endpoint (Bruno, col. 2 lines 21-22).

Regarding claim 6, Kozdon teaches retransmitting the modified packets of the

active stream of packets to others of the plurality of client processes (e.g., see col. 3

lines 1-37). Kozdon does not explicitly teach modifying one of the timestamp, source

identifier and sequence number of the packet headers in the active stream of packets.

However, Robles teaches modifying one of the time stamp, source identifier and

sequence number of the packets headers in the active stream of packets (e.g., see col.

15 lines36-40 and col. 19 lines 3-4). Therefore, it would have been obvious to a person

of ordinary skill in the art at the time the invention was made to modify one of the

header fields in Kozdon as taught by Robles because such modification would enable

the system to assign new sequence number to the active stream of data packets. This would efficiently and accurately transmit data across high bandwidth communication links (Robles, col. 2 lines 25-27).

Regarding claim 11, the combination of teachings of Kozdon and Robles does not explicitly teaches identifying at least a first of the selected client processes which is transmitting an active stream of video packets. However, Bruno teaches identifying at least a first of the selected client processes which is transmitting an active stream of video packets (e.g., see abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the identifying step in the combination of teachings of Kozdon and Robles as taught by Bruno because such identifying step would enable the multimedia participants to visually identify the presently talking end-user. This would expand the functionality of an analog voice-only non-H.320 compatible endpoint (Bruno, col. 2 lines 21-22).

Regarding claim 12, Kozdon teaches to retransmit the modified packets of the active stream of packets to others of the plurality of client processes (e.g., see col. 3 lines 1-37). Kozdon does not explicitly teach to modify one of the timestamp, source identifier and sequence number of the packet headers in the active stream of packets. However, Robles teaches to modify one of the time stamp, source identifier and sequence number of the packets headers in the active stream of packets (e.g., see col. 15 lines36-40 and col. 19 lines 3-4). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify one of the header fields in Kozdon as taught by Robles because such modification would enable

the system to assign new sequence number to the active stream of data packets. This

would efficiently and accurately transmit data across high bandwidth communication

links (Robles, col. 2 lines 25-27).

5.   Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kozdon et al (Kozdon) (US 6,240,070 B1) in view of Robles et al (Robles) (US

6,359,882 B1) in further view of Foster et al (Foster) (US 6,466,550).

Regarding claim 7, Kozdon teaches a computer data signal embodied in a carrier

wave comprising a program code for establishing a point-to-point communication

connection between a server process and a plurality of client processes (e.g., see fig. 2

col. 3 lines 1-18), selected of the client processes capable of transmitting a stream of

audio packets to the server apparatus (e.g., see fig. 2), program code for identifying at

least a first of the selected plurality of client processes which is transmitting a stream of

active audio packets (e.g., see abstract and col.6 lines 53-65); and program code for

retransmitting the modified packets of the active stream of active packets to others of

the plurality of client processes (e.g., see col. 3 lines 1-37). Kozdon does not explicitly

teach a packet header and modifying one of the header fields as claimed. However,

Robles teaches program code for modifying one of the time stamp, source identifier and

sequence number of the packet headers in the active stream of audio packets (e.g., see

col. 15 lines36-40 and col. 19 lines 3-4). Foster teaches each packet having a packet

header including a time stamp, source identifier and sequence number associated with

the packet (e.g., see col. 6 lines 25-46). Therefore, it would have been obvious to a

person of ordinary skill in the art at the time the invention was made to modify the
teaching of Kozdon with the teachings of Robles and Foster because such modifying
header field would enable a new sequence number to be assigned to the active stream
of data packets. This would efficiently and accurately transmit data across high
bandwidth communication links (Robles, col. 2 lines 25-27).

Regarding claim 16 Kozdon does not explicitly teach a packet header and
modifying one of the header fields as claimed. However, Robles modifying one of the
time stamp, source identifier and sequence number of the packet headers in the active
stream of audio packets (e.g., see col. 15 lines36-40 and col. 19 lines 3-4). Foster
teaches each packet having a packet header including a time stamp, source identifier
and sequence number associated with the packet (e.g., see col. 6 lines 25-46).
Therefore, it would have been obvious to a person of ordinary skill in the art at the time
the invention was made to modify the teaching of Kozdon with the teachings of Robles
and Foster because such modifying header field would enable a new sequence number
to be assigned to the active stream of data packets. This would efficiently and
accurately transmit data across high bandwidth communication links (Robles, col. 2
lines 25-27).

6.   Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Kozdon et al (Kozdon) (US 6,240,070 B1) in view of Robles et al (Robles) (US
6,359,882 B1) in view of Foster in further view of Bruno et al (Bruno) (6,020,915).

Regarding claim 8, the combination of teachings of Kozdon, Robles and Foster does not explicitly teaches identifying at least a first of the selected client processes which is transmitting an active stream of video packets. However, Bruno teaches identifying at least a first of the selected client processes which is transmitting an active stream of video packets (e.g., see abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the identifying step in the combination of teachings of Kozdon, Robles and Foster as taught by Bruno because such identifying step would enable the multimedia participants to visually identify the presently talking end-user. This would expand the functionality of an analog voice-only non-H.320 compatible endpoint (Bruno, col. 2 lines 21-22).

Regarding claim 9, Kozdon teaches retransmitting the modified packets of the active stream of packets to others of the plurality of client processes (e.g., see col. 3 lines 1-37). Kozdon does not explicitly teach modifying one of the timestamp, source identifier and sequence number of the packet headers in the active stream of packets. However, Robles teaches modifying one of the time stamp, source identifier and sequence number of the packets headers in the active stream of packets (e.g., see col. 15 lines36-40 and col. 19 lines 3-4). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify one of the header fields in Kozdon as taught by Robles because such modification would enable the system to assign new sequence number to the active stream of data packets. This would efficiently and accurately transmit data across high bandwidth communication links (Robles, col. 2 lines 25-27).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7.   Claims 13, 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated

by Kozdon et al (Kozdon) (US 6,240,070 B1).

Regarding claim 13, Kozdon teaches a system for enable conferencing over a

computer network (e.g., see fig. 2) comprising a plurality of client processes operatively

coupled to the network and configure to establish a point-to-point communication

connection with an other process operatively coupled to the computer network (e.g., see

fig. 2 col. 3 lines 1-18), each of the plurality of client processes configured to receive at

least one active stream of audio data (e.g., see col. 3 lines 19-20), selected of the

plurality of client processes are configured to transmit an active stream of audio data

(e.g., see col. 4 lines 1-5); and a server process operatively coupled to the computer

network (e.g., see col. 3 lines 1-2) and configured to identify a first of the selected

plurality of client processes which is transmitting an active audio stream (e.g., see

abstract and col.6 lines 53-65) and to retransmit the active audio stream of the first

identified client process to others of the plurality of client processes in unmixed form

(e.g., see col. 3 lines 1-37 and col. 6 line 66-col. 7 line 11).

Regarding claim 17, Kozdon teaches retransmit the modified packets to the

active stream of audio packets to others of the plurality of client processes (e.g., see

col. 3 lines 1-18).

Regarding claim 18, Kozdon teaches selected of the plurality of client processes

are configured to transmit an active stream of video data (e.g., see col. 4 lines 1-5).

8.   Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kozdon et al (Kozdon) (US 6,240,070 B1) in view of Oran (US 6,418,125 B1).

Regarding claim 14, Kozdon teaches to retransmit the active audio to others of

the plurality of client processes in unmixed form (e.g., see col. 5 lines 46-51). Kozdon

does not explicitly teach identifying a second client process as claimed. However, Oran

teaches identify a second of the selected plurality of client processes which is

transmitting an active audio stream (e.g., see 3 line 37-col. 4 line 5). Therefore, it would

have been obvious to a person of ordinary skill in the art at the time the invention was

made to combine the identifying step in Kozdon as taught by Oran because such

identifying step would enable more than one speakers to be talking at the same time.

This would have improved the capability of audio conferencing system.

Regarding claim 15, Kozdon teaches receive the first and second active audio

stream in unmixed form from the server process and to mix the first and second active

audio stream into a form suitable for presentation (e.g., see col. 7 lines 3-10).

9.   Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kozdon

et al (Kozdon) (US 6,240,070 B1) in view of Bruno et al (Bruno) (6,020,915).

Regarding claim 19, Kozdon does not explicitly teach identifying at least a first of

the selected client processes which is transmitting an active stream of video packets.

However, Bruno teaches identifying at least a first of the selected client processes

which is transmitting an active stream of video packets (e.g., see abstract). Therefore, it

would have been obvious to a person of ordinary skill in the art at the time the invention

was made to combine the identifying step in Kozdon as taught by Bruno because such

identifying step would enable the multimedia participants to visually identify the

presently talking end-user. This would expand the functionality of an analog voice-only

non-H.320 compatible endpoint (Bruno, col. 2 lines 21-22).

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Oanh L. Duong whose telephone number is (703) 305-

0295. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number

for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

O.D
November 11, 2003

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER